

Update: Friend of the Court Domestic Violence Resource Book

CHAPTER 4

Custody and Parenting Time

4.10 Civil Remedies to Enforce Parenting Time Orders

Replace the second paragraph in Section 4.10 on page 124 with the following text:

Effective June 1, 2003, MCL 552.511 was amended by 2002 PA 571. MCL 552.511(1) provides that the Friend of the Court must initiate one or more support enforcement measures under the Support and Parenting Time Enforcement Act, MCL 552.601 et seq., when one of the following applies:

“(a) Except as otherwise provided in this subdivision, the arrearage under the support order is equal to or greater than the monthly amount of support payable under the order. If the support order was entered ex parte, an office shall not initiate enforcement under this subdivision until the office receives a copy of proof of service for the order and at least 1 month has elapsed since the date of service. An office is not required to initiate enforcement under this subdivision if 1 or more of the following circumstances exist:

“(i) Despite the existence of the arrearage, an order of income withholding is effective and payment is being made under the order of income withholding in the amount required under the order.

“(ii) Despite the existence of the arrearage and even though an order of income withholding is not effective, payment is being made in the amount required under the order.

“(iii) One or more support enforcement measures have been initiated and an objection to 1 or more of those measures has not been resolved.

“(b) A parent fails to obtain or maintain health care coverage for the parent’s child as ordered by the court. The office shall initiate enforcement under this subdivision at the following times:

“(i) Within 60 days after the entry of a support order containing health care coverage provisions.

“(ii) When a review is conducted as provided in section 17.

“(iii) Concurrent with enforcement initiated by the office under subdivision (a).

“(iv) Upon receipt of a written complaint from a party.

“(v) Upon receipt of a written complaint from the department if the child for whose benefit health care coverage is ordered is a recipient of public assistance or medical assistance.

“(c) A person legally responsible for the actual care of a child incurs an uninsured health care expense and submits to the office a written complaint that meets the requirements of section 11a.”

For purposes of support enforcement measures, an arrearage amount that arises at the moment a court issues an order imposing or modifying support must not be considered as an arrearage, unless the payer fails to become current within two months after the entry of the order. MCL 552.511(2).